

**REMARKS**

Claims 1-21 were pending in this application.

Claims 1-21 have been rejected.

Claims 2, 3, 9, 10, 16, and 17 have been amended as shown above.

Claims 1-21 remain pending in this application.

Reconsideration and full allowance of Claims 1-21 are respectfully requested.

**I. REJECTION UNDER 35 U.S.C. § 112**

Claims 2, 3, 9, 10, 16, and 17 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. This rejection is respectfully traversed.

The Office Action asserts that, according to Claim 1, a conference bridge “receives only one pass code” and accesses to the conference bridge “use this pass code.” (*Office Action, Page 2, Paragraph 2*). The Office Action then asserts that there is “no mention of [a] second pass code required by the bridge to secure it, much less using the second pass code to access it.” (*Office Action, Page 2, Paragraph 2*).

The enablement requirement requires a patent application to describe an invention “in such terms that one skilled in the art can make and use the claimed invention.” (*MPEP § 2164*). The test for enablement requires an analysis to determine whether “undue” or “unreasonable” experimentation is needed to make and use the claimed invention. (*MPEP § 2164.01*). There are many factors to be considered when determining whether a patent application satisfies the

enablement requirement, including the breadth of the claims, the amount of direction provided by the inventor, and the existence of working examples. (*MPEP* § 2164.01(a)).

The application as originally filed clearly enables the claimed invention. For example, Claim 1 recites “securing the conference bridge using the pass code received from the first access.” Claim 1 also recites that the conference bridge is secured by “allowing a second access to the conference bridge,” where the second access is “based at least partially on the pass code.” This is described in the specification. (*See, e.g., Paragraphs 0050-0051*). A chairperson for a conference call provides a pass code to a media application server 106. (*See, e.g., Paragraph 0050*). Participants provide the pass code to the media application server 106 in order to access the conference bridge and participate in the conference call. (*See, e.g., Paragraph 0051*).

Claim 2 recites that the second access is allowed to continue based at least partially on a “second pass code” (which may or may not equal the “pass code” from Claim 1). This is described in the specification. (*See, e.g., Paragraphs 0052-0053*). The media application server 106 re-prompts participants to enter a pass code after a period of time has elapsed during a conference call, and the pass code used during re-prompting may be the same pass code used earlier or a different pass code. (*See, e.g., Paragraph 0052*). Participants are not allowed to continue participating in the conference call if the participants fail to provide the pass code during re-prompting. (*See, e.g., Paragraph 0053*).

Claim 3 recites that the “second pass code” is received “from the first access.” This is described in the specification. (*See, e.g., Paragraph 0052*). The chairperson of the conference call may provide the new pass code to the media application server 106. (*See, e.g., Paragraph*

0052).

Based on this, a person skilled in the art could easily make and use the Applicant's invention as recited in Claims 2 and 3. As a result, Claims 2 and 3 are enabled by the originally filed application. Claims 9, 10, 16, and 17 are also enabled by the originally filed application for similar reasons.

Accordingly, the Applicant respectfully requests withdrawal of the § 112 rejection.

## II. REJECTION UNDER 35 U.S.C. § 102

Claims 1-6, 8-13, and 15-20 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,555,290 to McLeod et al. ("*McLeod*"). This rejection is respectfully traversed.

A prior art reference anticipates the claimed invention under 35 U.S.C. § 102 only if every element of a claimed invention is identically shown in that single reference, arranged as they are in the claims. (*MPEP* § 2131; *In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990)). Anticipation is only shown where each and every limitation of the claimed invention is found in a single prior art reference. (*MPEP* § 2131; *In re Donohue*, 766 F.2d 531, 534, 226 U.S.P.Q. 619, 621 (Fed. Cir. 1985)).

*McLeod* recites a system for scheduling conference calls. (*Col. 33, Lines 27-33*). A person accesses a "conference call operator," and the conference call operator collects information needed to schedule a conference call. (*Col. 33, Lines 55-62*). The collected information includes the date and time of the conference call, telephone numbers of the call

participants, a pass code, and a conference call access number. (*Col. 33, Lines 58-62*). The conference call operator then reserves a conference bridge for the conference call. (*Col. 33, Lines 62-64*). At a later time, a call participant attempts to access a conference bridge and is prompted for the pass code. (*Col. 34, Lines 1-9*). If the call participant provides the correct pass code and a conference bridge is available, the call participant is connected to the conference bridge. (*Col. 34, Lines 9-14*).

Regarding Claims 1, 8, and 15, the cited portion of *McLeod* recites a system where a person scheduling a conference call may provide a pass code for the conference call to a conference call operator. At a later time (when the conference call is scheduled to occur), call participants may access a conference bridge if they provide the same pass code.

The cited portion of *McLeod* lacks any mention of a person providing the initial pass code when that person accesses a conference bridge. Rather, the cited portion of *McLeod* specifically requires that the pass code be provided to a conference call operator before anyone attempts to access a conference bridge. As such, the cited portion of *McLeod* does not disclose securing a conference bridge using a “pass code” received from a “first access” to the conference bridge and fails to anticipate detecting a “first access to a conference bridge” and then receiving a “pass code from the first access” and securing the conference bridge “using the pass code received from the first access,” as recited in Claims 1, 8, and 15.

For these reasons, the cited portion of *McLeod* fails to anticipate the Applicant’s invention as recited in Claims 1, 8, and 15 (and their dependent claims).

Regarding the dependent claims, the dependent claims are patentable due to their

dependence from allowable base claims and in light of their own recitations. For example, Claims 1, 8, and 15 recite that a “second access” to a conference bridge is allowed based at least partially on the “pass code” from the first access. Claims 2, 9, and 16 recite that the “second access” is allowed to continue based at least partially on a second pass code (which may or may not equal the “pass code” from Claims 1, 8, and 15).

The cited portion of *McLeod* lacks any mention of requiring a call participant to provide a pass code more than once. The cited portion of *McLeod* also lacks any mention of requiring a call participant to provide a pass code after the call participant has accessed a conference bridge. The cited portion of *McLeod* simply recites that a call participant is allowed to access the conference bridge only after the call participant provides a pass code. The cited portion of *McLeod* contains nothing about allowing the call participant, once the conference bridge is accessed, to continue accessing the conference bridge after providing the same pass code or a different pass code. As a result, the cited portion of *McLeod* fails to anticipate allowing a “second access [to a conference bridge] to continue based at least partially on a second pass code” as recited in Claims 2, 9, and 16.

In addition, Claims 3, 10, and 17 recite that the “second pass code” is received from the first access to a conference bridge “during the conference call.” The cited portion of *McLeod* lacks any mention of receiving a pass code from anyone after a conference call has been established. Rather, the cited portion of *McLeod* simply recites that a pass code is received during scheduling, and call participants are allowed to access a conference bridge by providing the pass code. The cited portion of *McLeod* recites nothing about one of the call participants

providing a second pass code once the conference bridge has been accessed. As a result, the cited portion of *McLeod* fails to anticipate receiving a “second pass code” from a first access to a conference bridge “during the conference call” as recited in Claims 3, 10, and 17.

Accordingly, the Applicant respectfully requests withdrawal of the § 102 rejection of Claims 1-6, 8-13, and 15-20.

### III. REJECTION UNDER 35 U.S.C. § 103

Claims 7, 14, and 21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *McLeod* in view of U.S. Patent No. 6,501,740 to Sun et al. (“*Sun*”). This rejection is respectfully traversed.

In *ex parte* examination of patent applications, the Patent Office bears the burden of establishing a *prima facie* case of obviousness. (*MPEP* § 2142; *In re Fritch*, 972 F.2d 1260, 1262, 23 U.S.P.Q.2d 1780, 1783 (Fed. Cir. 1992)). The initial burden of establishing a *prima facie* basis to deny patentability to a claimed invention is always upon the Patent Office. (*MPEP* § 2142; *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Piasecki*, 745 F.2d 1468, 1472, 223 U.S.P.Q. 785, 788 (Fed. Cir. 1984)). Only when a *prima facie* case of obviousness is established does the burden shift to the Applicant to produce evidence of nonobviousness. (*MPEP* § 2142; *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Rijckaert*, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993)). If the Patent Office does not produce a *prima facie* case of unpatentability, then without more the Applicant is entitled to grant of a patent. (*In re Oetiker*, 977 F.2d 1443,

1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Grabiak*, 769 F.2d 729, 733, 226 U.S.P.Q. 870, 873 (Fed. Cir. 1985)).

A *prima facie* case of obviousness is established when the teachings of the prior art itself suggest the claimed subject matter to a person of ordinary skill in the art. (*In re Bell*, 991 F.2d 781, 783, 26 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1993)). To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed invention and the reasonable expectation of success must both be found in the prior art, and not based on the Applicant's disclosure. (MPEP § 2142).

Claims 7, 14, and 21 depend from Claims 1, 8, and 15, respectively. As shown above in Section II, Claims 1, 8, and 15 are patentable. As a result, Claims 7, 14, and 21 are patentable due to their dependence from allowable base claims.

Accordingly, the Applicant respectfully requests withdrawal of the § 103 rejection of Claims 7, 14, and 21.

#### IV. CONCLUSION

The Applicant respectfully asserts that all pending claims in this application are in condition for allowance and respectfully requests full allowance of the claims.

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If any issues arise, or if the Examiner has any suggestions for expediting allowance of this application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at *rmccutcheon@davismunck.com*.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Davis Munck Deposit Account No. 50-0208.

Respectfully submitted,

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